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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,324	01/22/2001	Alain S. Rossmann	3399P038	9361

26529 7590 06/21/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

SAIN, GAUTAM

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,324

Applicant(s)

ROSSMANN ET AL.

Examiner

Gautam Sain

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1-1) Claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etesse et al (USPGPUB 2004/0030781 A1, CIP of application No. 09/608,208, filed on Jun 30, 2000) in view of Reed et al (US 6345288, filed May 1, 2000).

Regarding claims 1, 30, 18, 19, Etesse teaches "receiving a web page ... data types" (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches "classifying ... elements" (ie., course listed according to category)(para 147).

Etesse teaches "determining ... data elements" (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Etesse does not expressly teach but Reed teaches “as one or more of the data types” (ie., defining the various data types that may be used in various communication objects)(col 17, lines 57-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etesse to include defining the various data types that may be used in various communication objects as taught by Reed, providing the benefit of an automated communications system to transfer data for a combination of provider and consumer programs and databases allows for additional functionality, including coordination of multiple users for a single database (Abstract).

Regarding claims 2, 20, 31, Etesse teaches “... promoting ... related operations” (ie., displays course information in a separate window)(para 149; fig 7, item 900).

Regarding claims 4, 22, 33, Etesse teaches “selecting ... preference” (ie., user can select from the course catalog according to their preference)(para 164; fig 6, 7, item 612; fig 14, item 1400).

Regarding claims 5, 23, 34, Etesse teaches “... user profile” (ie., ‘change your information’ – user can set preferences)(para 164, fig 14, item 1404).

Regarding claims 6, 24, 35, Etesse teaches “... service provider preference” (ie., preferences set by system administrator for a large group serviced...)(para 142).

Regarding claims 7, 25, 36, Etesse teaches “... financial ...” (enrollment fee waived in lieu of advertising while viewing)(para 9).

Regarding claim 8, 26, 37, Etesse teaches “extracting data ... data elements” (ie., list of courses once selected by user will be automatically linked to a web page associated with that course, for which data is extracted from the database to display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches “receiving a selection ... operations” (ie., upon user selection of a course the web page the courses are listed according to a category, thus the browser receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches “outputting ... related operations” (ie., browser lists the courses)(para 147, fig 6, item 600).

Etesse teaches “processing ... related operations” (ie., course list ... user will be automatically linked to a web page associated ...)(para 147).

Regarding claims 9, 27, Etesse teaches “... user terminal” (ie., student user)(fig 1A, item 70).

Regarding claims 10, 28, Etesse teaches “... server” (ie., system server)(fig 1A, item 100).

Regarding claims 11, 29, Etesse teaches “Etesse teaches “... server and a user terminal” (ie., combination connected via Internet of user and server)(fig 1A, item 50-70, 100).

Regarding claim 12, Etesse teaches “receiving a web page ...data types” (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches “classifying ... elements” (ie., course listed according to category)(para 147).

Etesse teaches “determining ... data elements” (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches “outputting ... operations” (ie., course content ... browser)(para 149; fig 7, item 900).

Etesse teaches “ extracting data ... data elements” (ie., list of courses once selected by user user will be automatically linked to a web page associated with that course, for which data is extracted from the database to display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches “receiving a selection ... operations” (ie., upon user selection of a course the web page the courses are listed according to a category, thus the browser receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches “outputting ... related operations” (ie., browser lists the courses)(para 147, fig 6, item 600).

Etesse teaches “processing ... related operations” (ie., course list ... user will be automatically linked to a web page associated ...)(para 147).

Regarding claim 13, Etesse teaches “processor, “ “ storage facility ...” (ie., processor; memory)(page 22, claim 13).

Etesse teaches “receiving a web page ...data types” (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches “classifying ... elements” (ie., course listed according to category)(para 147).

Etesse teaches “determining ... data elements” (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches “outputting ... operations” (ie., course content ... browser)(para 149; fig 7, item 900).

Regarding claim 14, Etesse teaches “user terminal ... determine ... data elements” (ie., course content – lists everything related to a course)(fig 1A, item 70 is a user terminal; para 149, 150; fig 7, 9 item 900; drawing on cover page, items 120, 130).

Etesse teaches “outputting ... operations” (ie., course content ... browser)(para 149; fig 7, item 900).

Regarding claim 15, Etesse teaches “... processor ... via a network” (ie, Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 16, Etesse teaches “... an Internet, ... LAN, ... WAN” (ie., Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 17, Etesse teaches “... computer, website, and a server” (ie., computer, web browser, server)(para 31-34, figure 1A, item 100; drawing on cover page shows web browsers).

1-2) Claims 3, 21, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etesse et al (as cited above), in view of QuickClick (1/5/01, as provided by applicant in the IDS).

Regarding claims 3, 21, 32, Etesse does not teach specifically, but QuickClick specifically teaches “selecting ... operations” (ie., “alt-clicking” to select a word)(page labeled “How it Acts”).

Etesse does not specifically teach, but QuickClick specifically teaches “displaying the selected ... mode” (ie., window pops up with a list of categorized links)(page labeled “What it delivers”).

Etesse does not specifically teach, but QuickClick specifically teaches “displaying ... second mode” (ie., the unselected words remain in the background browser in another window)(page labeled “What it delivers” shows QuickClick displaying with “NBCi”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etesse to include a selection means that pops up in another window based on the selection and show the unselected words in the background as taught by QuickClick, providing the benefit of allowing users to pick the type of information they want and quickly getting to it (QuickClick, page labeled “How it acts”) and displaying user-specified locale information in frames (Etesse, Abstract).

Double Patenting

The double patenting rejection is withdrawn since the applicant’s application (09/769632) was abandoned on 12/13/2004 for ‘Failure to Respond’.

Response to Arguments

Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive. Applicant argues that (1) The Examiner has failed to show that Etesse is

prior art under 35 U.S.C. 102. Examiner disagrees and cannot find legal and/or factual support in the applicant's arguments as to why Etesse is NOT prior art for 35 USC 102(e). A CIP application can claim benefit of filing date of an earlier nonprovisional application if it complies with 35 U.S.C. 120 (see MPEP section 201.08). Examiner asserts that the Etesse reference is a printed publication and does comply with the three factors laid out in 35 USC 120 (see MPEP section 201.08 for itemized factors). Unless the applicant can provide legal authority and/or factual reasons to the contrary, the Etesse reference is presumed as valid prior art reference under 35 USC 102(e); (2) Etesse does not teach or suggest all limitations of the invention. Specifically, the applicant argues (a) that Etesse does not teach "classifying each one of the plurality of data elements ..." The examiner disagrees. Etesse teaches courses listed according to category data which are data elements classified as course listings categories (para 147); (b) that Etesse does not teach "determining ... data elements". Examiner disagrees because the course content lists everything related to a course (para 149, 150, fig 7, 9 item 900); (c) that Etesse does not teach "outputting a plurality of related operations". Examiner disagrees because the course content are viewed on a browser that allows users to view various data about courses (para 149; fig 7, item 900).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6-5-

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
6/17/2005